IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

DISTRICT:

CIVIL APPLICATION NO. 95 OF 2006

IN

FIRST APPEAL NO. 30 OF 2006

Office Notes,Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Mr. Aditya Chitale for the Applicant.

Mr. T.J.Mendon for the Respondents.

CORAM: S.B.DESHMUKH, J.

DATE : 8TH SEPTEMBER 2006

P.C.:

Learned Counsel for the applicant, submits, that the appeal is admitted by this Court and at the time of issuance of Rule, this Court has also noted that the entire decretal amount is deposited by the applicant with the learned Commissioner for Workmen's Compensation. This Court has also directed the respondents to withdraw a sum of Rs.50,000/- on furnishing security to the

satisfaction of the learned Commissioner for Workmen's Compensation. He, therefore, seeks confirmation of the ad-interim relief granted by this Court, earlier.

2. Learned Counsel for the respondents / claimants, submits that he would file appropriate application seeking withdrawal of amount of compensation. He seeks liberty for such application.

3. After hearing the learned Counsel for the parties, in my view, this application can be allowed by confirming the earlier ad-interim order passed by this Court, in terms of prayer (a), till the disposal of the appeal. Liberty also can be granted in favour of the respondent no.1 / original claimant to file civil application seeking withdrawal of the amount of compensation.

4. The respondent No.2 is served and affidavit of service is filed on

behalf of the applicant. However, none appears for respondent no.2.

5. In the result, civil application is partly allowed. Ad-interim relief granted earlier in terms of prayer clause (a) is made absolute till the disposal of the appeal with liberty in favour of respondent no.1 to file an application seeking withdrawal of the amount of compensation.

6. Civil application, accordingly, is allowed and disposed of in the above terms.

Sd/-

(S.B.DESHMUKH, J.)